

## 48A C.J.S. Judges § 207

Corpus Juris Secundum | August 2023 Update

### Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

### VII. Compensation and Fees

#### B. Amount

#### 3. Particular Amount

### § 207. Extra compensation

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Judges](#)  22(5)

**Generally, a judge must, without additional compensation, discharge his or her duties growing out of the jurisdiction of the judge's court, but the judge may be awarded extra compensation for nonjudicial services or services not within the jurisdiction of the court.**

A judge must, without additional compensation, discharge his or her duties growing out of the jurisdiction of the judge's court<sup>1</sup> although the judge's jurisdiction or duties are increased during the judge's term.<sup>2</sup> A judge is under no legal obligation to perform, without extra compensation, services which are not judicial<sup>3</sup> or which are not within the jurisdiction of the judge's court.<sup>4</sup> The legislatures and Congress, within their constitutional limitations,<sup>5</sup> may, and often do, provide for additional compensation<sup>6</sup> when from its temporary or occasional nature or other circumstances it would be impolitic to increase the permanent salary.<sup>7</sup> While a judge ordinarily

is not entitled to additional compensation in the absence of statutory authorization,<sup>8</sup> extra or additional compensation may also be granted by force of constitutional provision.<sup>9</sup>

Under some constitutions, the granting of any extra compensation to any public officer after service has been rendered is expressly prohibited,<sup>10</sup> but such a constitutional prohibition does not render invalid a statute awarding pensions to judges<sup>11</sup> or a statute granting a pension to the surviving spouse of a deceased judge.<sup>12</sup>

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## Footnotes

- 1 Ga.—*Culberson v. Watkins*, 156 Ga. 185, 119 S.E. 319 (1923).  
Wis.—*Axelberg v. Bayfield County*, 233 Wis. 533, 290 N.W. 276 (1940).  
Extra compensation as within prohibition of increasing salary during term, see § 202.
- 2 Pa.—*Quail v. Com.*, 12 Pa. Commw. 343, 315 A.2d 660 (1974).  
Tenn.—*State ex rel. Boone v. Torrence*, 63 Tenn. App. 224, 470 S.W.2d 356 (1971).
- 3 Colo.—*Newitt v. Board of Com'rs of Chaffee County*, 80 Colo. 109, 249 P. 269 (1926).
- 4 Va.—*In re Judges of Court of Appeals*, 8 Va. 135, 4 Call 135, 1788 WL 56 (1788).
- 5 Ga.—*Houlihan v. Ryan*, 205 Ga. 734, 55 S.E.2d 243 (1949).  
Ky.—*Matthews v. Allen*, 360 S.W.2d 135 (Ky. 1962).
- 6 Ohio—*State ex rel. Nagy v. City of Elyria*, 54 Ohio App. 3d 101, 561 N.E.2d 551 (9th Dist. Lorain County 1988).  
Tenn.—*Wilson v. Johnson County*, 879 S.W.2d 807 (Tenn. 1994).  
**Statutes held mandatory**  
Acts of the legislature fixing supplemental compensation for circuit judges residing in specified counties are mandatory.  
Fla.—*Peters v. Meeks*, 171 So. 2d 562 (Fla. 2d DCA 1964).
- 7 Ky.—*Craig v. Shelton*, 201 Ky. 790, 258 S.W. 694 (1924).  
Tex.—*Jones v. Alexander*, 122 Tex. 328, 59 S.W.2d 1080 (Comm'n App. 1933).
- 8 N.J.—*Shalita v. Township of Washington*, 270 N.J. Super. 84, 636 A.2d 568 (App. Div. 1994).
- 9 Ga.—*Houlihan v. Atkinson*, 205 Ga. 720, 55 S.E.2d 233 (1949).
- 10 Ill.—*People ex rel. McDavid v. Barrett*, 370 Ill. 478, 19 N.E.2d 356, 121 A.L.R. 1311 (1939).

11 Mo.—*Kansas City v. Brouse*, 468 S.W.2d 15 (Mo. 1971).

Neb.—*Wilson v. Marsh*, 162 Neb. 237, 75 N.W.2d 723 (1956).

12 Ill.—*People ex rel. McDavid v. Barrett*, 370 Ill. 478, 19 N.E.2d 356, 121 A.L.R. 1311 (1939).

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